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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,816	12/21/2001	Cliff Pemble	1528.020US1	5372

7590

04/01/2003

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EXAMINER

LOUIS JACQUES, JACQUES H

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,816

Applicant(s)

PEMBLE ET AL.

Examiner

Jacques H. Louis-Jacques

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-26 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-10,12,14-17 and 19-34 is/are rejected.
- 7) ☒ Claim(s) 4,11,13 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The preliminary amendment filed on April 22, 2002 has been entered and considered by the examiner. Claims 1-34 are pending and presented for examination.

Claim Objections

2. Claims 14-18, 27-34 are objected to because of the following informalities: The use of the phrases "adapted to" and "capable of" have no clear technical meaning. The use of the phrase "adapted to" does not particularly point out the invention, since Applicant has not claimed how the conventional elements are modified in accordance with the invention. The phrase "capable of" does not clearly define whether the device can perform the claimed limitations.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

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do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 5-10, 12, 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Moeglein et al [6,411,254].

Moeglein et al '254 discloses a satellite positioning reference system and method, wherein there is provided a plurality of space based augmentation system (SBAS) for providing correction messages. According to Moeglein et al, based on certain criteria, one of the SBAS satellites is selected as a correction source for providing the correction messages. See, for example, figures 5A and 6-7 and columns 6-7. As described in columns 1-2, and, in particular, columns 3, 6-7, Moeglein et al discloses using a differential GPS, wherein it is determined whether a differential position can be created from the correction messages. Further described in column 8, the differential position is created periodically. It also determined whether the correction messages received from the SBAS satellites are reliable; that is, for example, whether they are received at the same time in order to avoid discrepancies. Columns 9 and 10. Moeglein et al also discloses the use of wide area augmentation system, wherein one the WAAS satellites is selected to provide correction signals.

5. Claims 19-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Gaal [US 20020072378 A1].

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Gaal discloses a method and apparatus for broadcasting position location data in a wireless communication system. According to Gaal, there is provided a GPS (global positioning system) device comprising a processor and a memory for communicating with the processor. The GPS receiver receives signals or correction signals (messages) and for communicating with the processor. The GPS device according to Gaal comprises a portable (mobile) GPS receiver device such as a PDA (personal digital assistant). The GPS device further comprises a wireless communication device. See figure 6.

Gaal discloses a data structure or source comprising different fields or records. According to Gall the data structure (source) comprises a field representing the health information of the satellites, a field representing a current correction source and a field representing a potential (alternative) correction source. See pages 1 and 2.

Allowable Subject Matter

6. Claims 4, 11, 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art do not particularly disclose the sequence recited in the claims.

7. Claims 20-26 are allowed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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5,596,328	Strangeland	Jan. 1997
5,610,616	Vallot et al	Mar. 1997
6,323,803	Jolley et al	Nov. 2001
US 2002/0005802 A1	Bryant et al	Jan. 2002
US 2002/0198657 A1	Robbins	Dec. 2002

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is (703) 305-9757. The examiner can normally be reached on M-Th, 7:30 AM - 4:00 PM (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1111.

Jacques H. Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj
March 21, 2003

Jacques H. Louis-Jacques
JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER